

UNITED STATES DISTRICT  
COURT FOR OREGON

JOHN PHILIP STIRLING

V

CASE 3:20-CV-00713-SB

CHINA, ET AL

MOTION FOR RECONSIDERATION  
OF FEE PAYMENT  
UNDER 28 USC 1916  
SEAMAN SUIT

AS YOU KNOW YOUR HONOR I FILED  
AN APPEAL IN YOUR COURT BECAUSE YOU  
CAST DOUBT ON MY ABILITY OR QUALIFI-  
CATIONS AS A "SEAMAN". AS YOU MAY  
RECALL IN MY NOTICE OF APPEAL, I  
WAS UNABLE TO QUOTE MORE STATUTE  
NUMBERS. I, IN MY NOTICE OF

2

APPEAL QUOTED MANY WHICH I WILL DO AGAIN HERE NOW. I COULD NOT QUOTE OR USE THEM BEFORE BECAUSE WE WERE UNDER 24/7 LOCKDOWN HERE AT SHERIDAN FOS AND I, AS WITH EVERY OTHER PERSON HERE, WAS NOT ALLOWED ACCESS TO THE LAW LIBRARIES SO I COULD NOT LOOK THEM UP. IF I WAS ABLE (ON YOUR FIRST 30 DAY ORDER TO COMPLY AND PAY \$400.00) I WOULD HAVE. BUT I WAS DENIED ACCESS ABOVE AND BEYOND MY CONTROL BY THE WARDEN.

THE COURT OF APPEALS TODAY UNDER APPEAL 20-35575 NOTIFIED ME

③

THEY LACK JURISDICTION AS THE ORDER  
YOU GAVE WAS NOT FINAL. FOR  
RE-CONSIDERATION OF YOUR ORDER I  
APPEALED, I ADD TO IT THE STATUTES  
AND ARGUMENT CONTAINED IN MY  
NOTICE OF APPEAL TO THIS COURT, WHICH  
WAS 12 PAGES OR SO. TO THOSE  
ARGUMENTS I ADD, THAT THE DEFINITION  
OF A SEAMAN UNDER TITLE 46 "THE  
SHIPPING ACT" IS UNDER 10101 (3) "SEAMEN  
MEANS A INDIVIDUAL ENGAGED OR EMPLOYED  
IN ANY CAPACITY ON BOARD A VESSEL.

CLAIMS OF SEAMANS WAGES ACT ARE  
IMPLEMENTED UNDER 46 USC 201-208

④

ALSO UNDER 46 § 7312 AND 7311 FOR THE FISHING INDUSTRY THAT I HAVE BEEN IN FOR 40 PLUS YEARS IT STATES - "FOR SERVICE ON A FISH PROCESSOR VESSEL AN INDIVIDUAL MAY BE RATED AS A "ABLE SEAMAN" - FISHING INDUSTRY, IF THE INDIVIDUAL HAS 6 MONTHS SERVICE OPERATING ON THE OCEANS OR NAUGATIONAL WATERS OF THE US, INCLUDING THE GREAT LAKES". THIS SECTION IS REFERRED TO IN 46 USCS 7312.

I AM COVERED UNDER 46 USCS 109 "FOREIGN TRADE OR TRADE". IN GENERAL THIS TITLE; THE TERM

(5)

FOREIGN COMMERCE AND FOREIGN  
TRADE MEANS COMMERCE OR TRADE  
BETWEEN A PLACE IN THE UNITED STATES  
AND A PLACE IN A FOREIGN COUNTRY"

I BRING LOBSTER, STONE CRAB  
AND ABALONE FROM THE SAN BLAS ISLANDS,  
PANAMA AND EQUADOR TO U.S. PORTS  
ON THE VESSEL I OWN IN ATT.#1.  
A PICTURE CLEARLY DESCRIBES I AM  
THE CAPTAIN AND OWNER OF THE  
BAKUR AND THE WESTERN WIND IN  
ATT.#2. I AM PICTURED IN THE  
WHEEL HOUSE OF THE VESSELS IN  
THE NEWS ARTICLE. I ALSO

(6)

HAVE HAD FOR MANY YEARS HAD A  
MASTERS III ISSUED BY THE CANADIAN  
GOVERNMENT IN THE EARLY 90'S WHEN  
I MOVED TO BIG VESSELS REQUIRING  
A CAPTAIN CERTIFICATE AND  
SPECIAL TRAINING TO OPERATE IN THE  
OCEANS OF THE WORLD.

UNDER 14 USCS § 2 Coastguard  
HAS THE EXCLUSIVE RESPONSIBILITY  
FOR REGULATION OF "SEAMAN". "Coastguard  
HAVING EXERCISING ITS STATUTORY AUTHORITY  
TO PROSCRIBE STANDARDS AND REGULATIONS  
GOVERNING WORKING CONDITIONS OF "SEAMEN"  
AND BEING A AGENCY WITH SPECIAL

⑦

EXPERTISE IN MARITIME HAZARDS, HAS  
PREMPTED OSHA JURISDICTION WITH  
RESPECT TO HEALTH AND SAFETY OF  
SEAMEN ABOARD VESSELS IN THE  
NAVIGABLE WATERS OPERATING. IN  
MY CASE WE WERE SHUT DOWN  
AND REMAIN SHUT DOWN DUE TO THE  
CHINESE COVID-19 VIRUS.

IT ALSO STATES I CAN RECOVER  
PAIN AND SUFFERING UNDER THE  
JONES ACT " BEING A JONES ACT  
SEAMAN I AM ENTITLED TO RECOVERY  
FOR MEDICAL EXPENSES AND LOST

(8)

WAGES UNDER L.H.W.C.A. AND FOR  
"PAIN AND SUFFERING UNDER THE  
JONES ACT" SINCE MY BUSSINESS  
WITH AMERICAN FISH INC. AND THE  
GILBERTI BROS. INC HAVE BEEN IN  
PLACE SINCE 1984. MANY OTHERS  
ALSO LIKE SUN STATE FOODS IN ARIZONA.  
SEE FIGUEROA V CAMPBELL INDUSTRIES  
45 F.3d 311, 95 Cal. Daily  
CPSERVICE 352, 95 D.A.R. 1995 A.M.C.  
793 (9TH CIR 1995).

AMONG OTHER THING I HAVE  
BEEN IN THE FISHING INDUSTRY  
WITH MY WIFE SINCE WE WERE



(9)

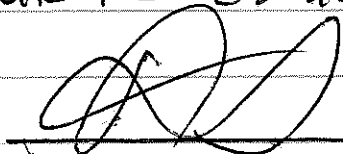
18 YEARS OLD . I CAN NOT SEE  
ANY REASON HOW I COULD NOT QUALIFY  
AS A "SEAMAN". I SAILED AROUND  
THE WORLD 4 TIMES. I HAVE BEEN  
A MEMBER OF THE UNITED STATES  
TUNA ASSOCIATION IN SAN DRAGO CALIF.  
FISHED WITH AND BESIDE U.S. FISHERMAN  
MY WHOLE LIFE IT SEEMS. ATT#3  
IS THE SAILBOAT I WAS ARRESTED IN  
THAT I AM NOW SERVING 40 MONTHS  
FOR . I WAS ALONE AND SINGLE  
HANDING FROM MEXICO TO CANADA  
SOME 2,800 MILES WHEN I  
WAS ARREST OVER 250 MILES

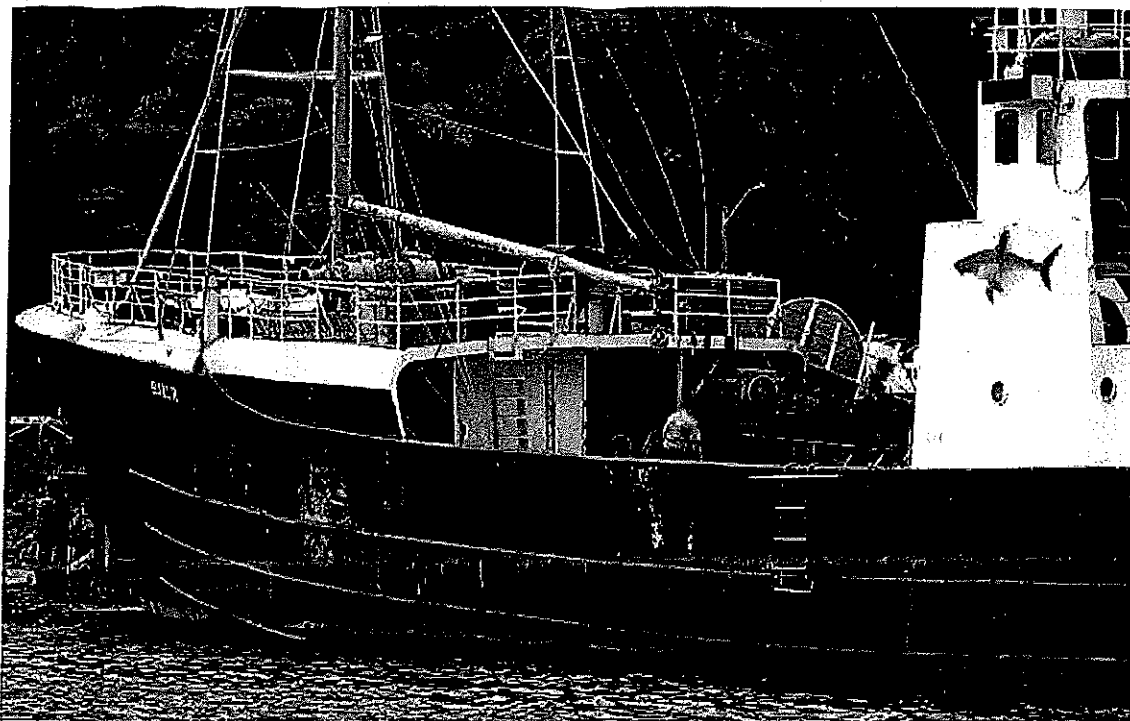
10

OFF SHORE. THE DOJ SAYS IT'S A AMERICAN VESSEL.

I STILL HAVE NOT RECEIVED  
ANY REPLY FROM THE PEOPLES REPUBLIC  
OF CHINA, CHINESE MILITARY OR  
THIZ WO HAN BIO LAB IN RESPONSE  
TO MY STATEMENT OF CLAIM AND SERVICE  
AGREEMENT WITH MR LIZIE AT THE  
CHINESE EMBASSY IN SAN FRANCISCO.  
PLEASE GRANT MY REQUEST TO BE FREE  
OF FEE PAYMENT DUE TO 28 USC 1916.

07/30/2020

  
JOHN PHILIP STIRLING  
30326-086  
SHERIDAN FAC  
PO BOX 6000  
SHERIDAN OR  
97378



MV Bakur sits at dock in 2006 at DND property in View Royal where Mounties (whose faces have been blurred to protect their identity) are aboard searching for evidence after the boat was seized in Ucluelet. Five men were charged in the major drug bust, including John Stirling who made headlines in February 2001 when he was the skipper and owner of the Western Wind that was seized with 2.5 tons of cocaine on-board. Photo: Debra Brash/Victoria Times Colonist **DEBRA BRASH / TIMES COLONIST**

Then, in May 2006, he was arrested again off Vancouver Island after police found \$6.5-million worth of marijuana on-board a 47-metre fishing vessel registered to him. He and several others were charged, but the charges were later dropped.

In 2011, the Americans arrested him off the coast of Colombia with 381 kilograms of cocaine bound for Australia. He was convicted and sentenced to seven years. He had been out of jail for less than a year when he was arrested again in the latest case.

Stirling's sentencing is set for April 20.

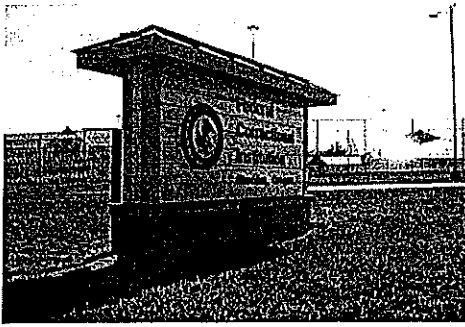
[kbolan@postmedia.com](mailto:kbolan@postmedia.com) (<mailto:kbolan@postmedia.com>)

blog: [vancouversun.com/tag/real-scoop](http://vancouversun.com/tag/real-scoop) (<http://vancouversun.com/tag/real-scoop>)

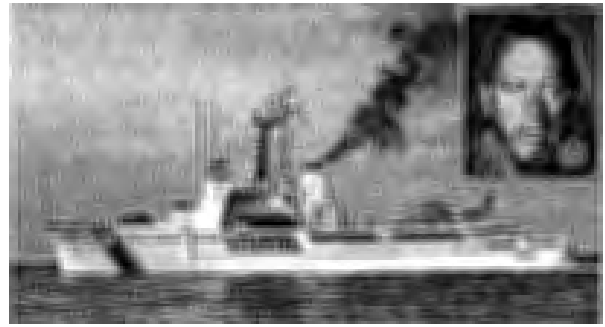
[twitter.com/kbolan](http://twitter.com/kbolan) (<http://twitter.com/kbolan>)

## John Philip Stirling pleads guilty - sues

ATT #2



John Philip Stirling, 66, has been sentenced to another 40 months for drug trafficking. Stirling filed a second, handwritten lawsuit seeking \$30m in damages from the Chinese government, who he blames for the pandemic.



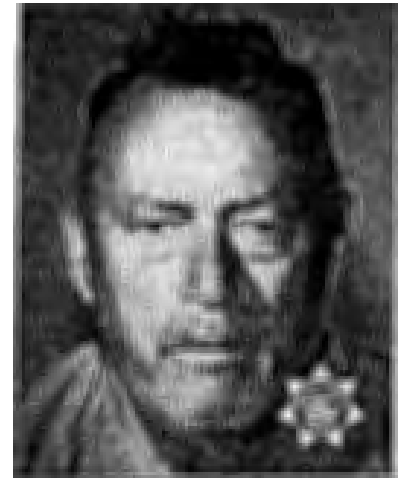
Stirling is suing the United States Bureau of Prisons for allegedly not doing enough to protect him from Covid-19. He is alleging unconstitutional treatment at the hands of his jailers at the Sheridan prison, southwest of Portland, where he is awaiting sentencing. "Sheridan prison staff are endangering my life," Stirling says in his handwritten complaint.

"I am 66 years old with diabetes [sic]," Stirling writes. "I should be released as death, either mentally or by Corona-19, is inevitable under the present situation."



B.C. man John Philip Stirling was busted once again after authorities found 196 gallons of liquid meth on his boat off the coast of Oregon. He was arrested after his sailing vessel was discovered traveling north near Newport. The 65-year-old refused to cooperate after U.S. Coast Guard officials boarded his vessel. They found 28 seven-gallon jugs of liquid meth on board.

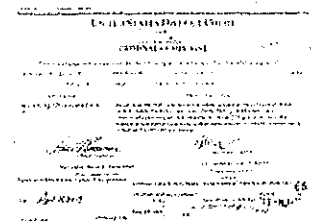
Stirling has a history of arrests stretching back more than 30 years from B.C. to the waters off South America. In 1989, he was convicted in a cocaine smuggling conspiracy and was sentenced to five years in prison.



Stirling aboard the 'Western Wind'

In 2001, his boat, the Western Wind, was stopped by US authorities in the Strait of Juan de Fuca with 2.5 tonnes of cocaine on board. No charges were laid in that episode. In 2006 he was busted again, this time with bails of pot. He again escaped unscathed.

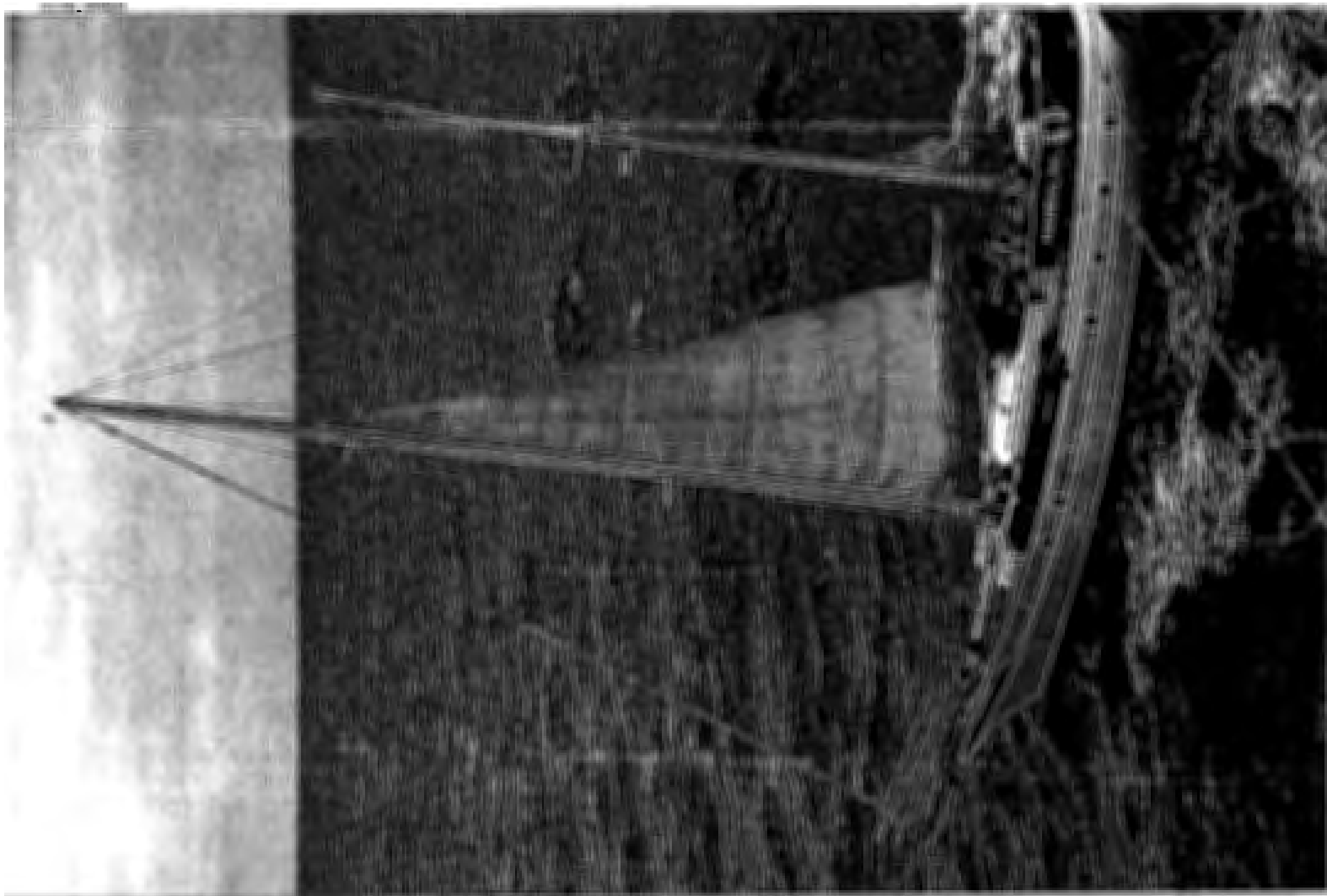
In October 2011, the U.S. Coast Guard caught Stirling captaining a boat with 400kg of cocaine on board. Charges stuck, and he was sentenced to 90 months in U.S. federal prison.



He has Hells Angels connections that date back decades.

ATT #3

MY VESSEL  
"MAOALAY"

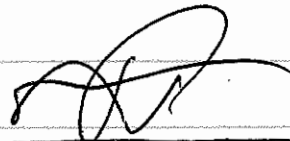


AFFIDAVIT OF  
SERVICE

STIRLING V CHANG ET AL 3:20-CV-00713-SB

I SWEAR UNDER OATH AND PENALTY  
OF PERJURY I SENT A COPY OF THIS  
MOTION UNDER AGREEMENT 28 USC 1608  
(b) (1) TO THE DEFENDANT AT.

ATTN: MR LEE (PH) 415-852-5900  
CHINESE EMBASSY  
1450 LAGUNA ST  
SAN FRANCISCO CALIF 94115



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JOHN PHILIP STIRLING  
30326-086  
SHERIDAN FDC  
PO BOX 6000  
SHERIDAN OR  
97378